

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SHAWN RICHARD COUDRIET,)	
)	
Plaintiff,)	
)	Civil Action No. 11-185 Erie
v.)	
)	
ANTHONY VARDARO, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on September 1, 2011 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 171], filed on February 25, 2013, recommended that the Motion to Dismiss and Renewed Motion to Dismiss filed by Defendant Saavedra [ECF No. 73] and [ECF No. 149] be granted.¹ The parties were allowed fourteen (14) days from the date of service to file objections and Plaintiff filed objections on March 11, 2013 [ECF No. 173]. After de novo review of the documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 10th day of April, 2013;

IT IS HEREBY ORDERED that the Motions to Dismiss filed by Defendant Saavedra [ECF No. 73] and [ECF No. 149], as converted into motions for summary judgment by the Magistrate Judge, are GRANTED.

¹ By Order dated December 29, 2011, Plaintiff was notified, pursuant to the requirements of *Renchenski v. Williams*, 622 F.3d 315 (3d Cir. 2010), that his motion may be converted into a motion for summary judgment. [ECF No. 77]. Because Defendant Saavedra provided evidence outside the pleadings, the Magistrate Judge converted the motions to dismiss into motions for summary judgment. Plaintiff offered no evidence in opposition to Defendant's evidence. [ECF No. 171] p. 11.

The Report and Recommendation of Magistrate Judge Baxter, filed on February 25, 2013 [ECF No. 171] is adopted as the opinion of the Court.

The Clerk of Courts is directed to terminate this Defendant from the docket.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge